

Minute

Licensing Committee

Thursday, 5 October 2023, 10:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Duncan A Tullock, David Dawson, Steven B Heddle, Rachael A King, W Leslie Manson, Gwenda M Shearer and Owen Tierney.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Gavin Mitchell, Head of Legal and Governance.
- Stuart Bevan, Solicitor (for Items 1 to 3).
- Elaine Sinclair, Legal Clerk.

Police Scotland:

- Sergeant Eric Bruce.

Observing

- Lillian Rendall, Legal Clerk.

Apology

- Councillor Kristopher D Leask.

Declaration of Interest

- Councillor Steven B Heddle – Item 5.

Chair

- Councillor Duncan A Tullock.

1. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Item 5, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

2. Suspension of Standing Orders

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

3. Civic and Miscellaneous Licensing – Functions Report

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Solicitor, the Committee:

Noted the report in relation to the exercise of the Council's functions in terms of the Civic Government (Scotland) Act 1982 and the Cinemas Act 1985, for the period from 1 July 2022 to 30 June 2023, attached as Appendix 1 to the report by the Corporate Director for Strategy, Performance and Business Solutions.

4. Exclusion of Public

On the motion of Councillor Duncan A Tullock, seconded by Councillor David Dawson, the Committee resolved that the public be excluded for the remainder of the meeting, as the business to be considered involved the disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

5. Applications for Short-term Lets Licences

The agent representing the applicant was present during consideration of this item.

The applicant and two objectors were present via a remote link (Microsoft Teams) during consideration of this item.

Councillor Steven B Heddle declared an interest in this item, his connection being that the applicant's spouse was a close family member, and was not present during discussion thereof.

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a report from the Head of Legal and Governance, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to applications for short-term lets licences.

The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.

This page is intentionally left blank.

As Councillor Rachael A King had to leave the meeting during discussion of this item, and subsequently rejoined the meeting, in terms of Standing Order 8.6, as she had not been present throughout consideration of the whole item of business, she did not take part in the subsequent decision-making process.

6. Conclusion of Meeting

At 10:54 the Chair declared the meeting concluded.

Signed: Duncan A Tullock.